

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

CIVIL NO. 3:98CV394

CALVIN R. LUCKEY, and wife PEGGY)
G. LUCKEY, *et al.*,)

This document pertains to:)

THEODORE BALLARD, JR.; JUDY)
HORNE MARTIN, Individually and as)
Executrix of the Estate of Ray E.)
Martin, Deceased; JOHN WESLEY)
SMITH, and wife BETTY M. SMITH;)
JIMMY W. NEAL, SR., and wife)
DOREEN K. NEAL; DOROTHY)
YOUNG, as Administrator of the)
Estate of Victor E. Yount, Deceased;)
and SYLVIA L. JOHNSON, Executrix)
of the Estate of Clarence Luckey, Sr.,)
Deceased,)

Vs.)

ORDER

A. W. CHESTERTON, INC.; CROWN)
CORK & SEAL COMPANY, INC.;)
NORTH BROTHERS, INC.;)
OWENS-ILLINOIS, INC.; RAPID)
AMERICAN CORPORATION; and)
D. B. RILEY CORPORATION, f/k/a)
Riley Stoker Corporation,)

Defendants.)

THIS MATTER is before the Court on the joint motion of the specific Plaintiffs captioned above and Defendant Crown Cork & Seal Company, Inc., to dismiss without prejudice their claims against said Defendant.

For the reasons stated in the motion,

IT IS, THEREFORE, ORDERED that the joint motion to dismiss is **ALLOWED**, and the claims of Theodore Ballard, Jr.; Judy Horne Martin, Individually and as Executrix of the Estate of Ray E. Martin, Deceased; Jimmy W. Neal, Sr., and wife Doreen K. Neal; John Wesley Smith, and wife Betty M. Smith; Dorothy Young, as Administrator of the Estate of Victor E. Yount, Deceased; and Sylvia L. Johnson, Executrix of the Estate of Clarence Luckey, Sr., Deceased, against the Defendant Crown Cork & Seal Company, Inc., are hereby **DISMISSED WITHOUT PREJUDICE**.

Signed: March 27, 2007



Lacy H. Thornburg
United States District Judge

